

A N
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F O R

The more Effectual Carrying into Execution an Act, Intituled, *An Act for the Relief of the Creditors of the Bank lately kept by Samuel Burton and Daniel Falkiner ; And of the Creditors of the Bank lately kept by Benjamin Burton, Samuel Burton and Daniel Falkiner ; And of the Creditors of the Bank lately kept by Benjamin Burton and Samuel Burton ; And of the Creditors of the Bank lately kept by Benjamin Burton and Francis Harrifon*, by taking away the Benefit of Pleading the Statutes of Limitations, from the several Debtors to the said several Banks, and to the said several Bankers ; And to Enable the said Creditors to make Composition for their several Debts.



D U B L I N :

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The more Effectual Carrying into Execution an Act, Intituled, *An Act for the Relief of the Creditors of the Bank lately kept by Samuel Burton and Daniel Falkiner ; And of the Creditors of the Bank lately kept by Benjamin Burton, Samuel Burton and Daniel Falkiner ; And of the Creditors of the Bank lately kept by Benjamin Burton and Samuel Burton ; And of the Creditors of the Bank lately kept by Benjamin Burton and Francis Harrison,* by taking away the Benefit of Pleading the Statutes of Limitations, from the several Debtors to the said several Banks, and to the said several Bankers ; And to Enable the said Creditors to Make Composition for their several Debts.

C H A P. XXII.

W H E R E A S in and by an Act Made in this Kingdom, in the Seventh Year of the Reign of his present Majesty, Intituled, *An Act for the Relief of the Creditors of the Bank lately kept by Samuel*

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CHAP. *muel Burton and Daniel Falkiner*; And of
 XXII. the Creditors of the Bank lately kept by
 ~~~~~ *Benjamin Burton, Samuel Burton and Daniel*  
*Falkiner*; And of the Creditors of the Bank  
 lately kept by *Benjamin Burton and Samuel*  
*Burton*; And of the Creditors of the Bank  
 lately kept by *Benjamin Burton and Francis*  
*Harrison*; All and singular the Ma-  
 nors, Lands, Tenements, Hereditaments,  
 Rents, Reversions, Remainders, Uses and  
 Trusts which the said Francis Harrison,  
 Benjamin Burton, Samuel Burton and Daniel  
 Falkiner, or any, or either of them was  
 or were at the respective Times therein  
 Mentioned, Seized of or Intitled unto,  
 in Fee Simple, or Fee Tail, or for Life  
 or Lives, either in Law or Equity, and  
 all Debts which had not theretofore been  
 Bona Fide Paid or Discharged, and were  
 Due and Owning to them, or any or  
 either of them at the Respective Times  
 therein Mentioned, or which they, or a-  
 ny, or either of them was or were In-  
 titled unto; And likewise all other the  
 Estate, Real and Personal, (which they,  
 or any, or either of them, was or were  
 Seized, possessed of, Interested in, or  
 Intitled unto, at the respective Times  
 therein Mentioned,) except such Sum or  
 Sums of Money as had been before  
 the Time of passing the said Act of  
 Parliament, Really and Bona Fide Appli-  
 ed to the Payment of their or either of  
 their Debts, or such Part of their, or  
 either



either of their personal Estate as had been Bona Fide, or for Valuable Consideration sold, are Vested in the Seizen and Possession of the Right Honourable Henry Boyle Esquire, Speaker of the House of Commons, and Chancellor of His Majesty's Court of Exchequer in Ireland, the Right Honourable Thomas Marlay Esquire, then Lord Chief Baron of His Majesty's Court of Exchequer, the Honourable Michael Ward Esquire, one of the Justices of His Majesty's Court of Kings-Bench, the Honourable John Wainwright Esquire, then one of the Barons of His Majesty's said Court of Exchequer since Deceased, the Honourable Robert Lindsay Esquire, then one of the Justices of His Majesty's Court of Common Pleas since Deceased, the Honourable Henry Singleton Esquire, then His Majesty's Prime Serjeant at Law, the Honourable John Bowes Esquire, then His Majesty's Solicitor General, Eaton Stannard Esquire, then Recorder of the City of Dublin, William Vesey Esquire, then one of the Masters of His Majesty's High Court of Chancery since Deceased, Thomas Trotter Esquire, then also one of the Masters of His Majesty's High Court of Chancery since Deceased, and Boleyn Whitney of the City of Dublin, Esquire, being Trustees to put the said Act in Execution, their Heirs, Executors, and Administrators, who are thereby Authorized



CHAP. to Sell and Dispose of the said Real and  
 XXII. Personal Estates, or so much thereof as  
 should be necessary for the Purposes therein  
 after Mentioned, and to Call in, Sue for,  
 Recover or Compound the said Debts due  
 to the said Benjamin Burton, Francis Harrison,  
 Samuel Burton and Daniel Falkiner, or to any  
 or either of them in Trust, to Apply the  
 Money Arising thereby in such Manner,  
 as is therein after Directed.

And Whereas the Execution of the several Acts of Parliament Relative to the said Banks, hath taken up much longer Time than was Foreseen by the Legislature at the Time of Passing the same, and most of the Securities for Money and Debts Due to the said several Banks, and to the said several Bankers, and which by the said Acts are Vested in the said Trustees, do still Remain Unsued upon, and the Money Secured thereby, and the said Debts Due and Unpaid, by Means whereof the said Trustees, as well as the several Persons who are or shall be respectively Intitled to the Money and Debts Due on such Securities, after the Execution of the said Acts, may be in Danger of being Barred by the Statutes of Limitations from Recovering the Money Due on the said Securities, and the Debts so owing: For Remedy whereof;

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice  
 and



and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That the said Trustees, or any Three or more of them, or any Person or Persons Appointed, or to be Appointed by them, or any Three or more of them, for that Purpose, shall and may at all Times While the said Securities or Debts, or any of them, Remain Vested in them or any of them by the said Recited Acts, or either of them, be at Liberty to Sue for and Recover the Money Secured by, and Due and Owning on the said several Securities, and the Debts so Due, or any of them, Pursuant to the Directions, and according to the Powers of the said Acts, and shall and may, notwithstanding any Statute or Statutes of Limitations heretofore Made, or any Law, Statute or Custom to the contrary, Sue for, and Recover all or any Part of the Money Secured by, and Due and Owning on any of the said Securities, and the Debts so Due, and every of them, and that no Statutes of Limitation shall be pleaded, Insisted, or Relied on, or any Way made Use of in any Court of Law, or Equity, to Barr, or in any Sort Affect the Securities or Debts, or any of them, While the same, or any of them, have been or shall Remain Vested in the said Trustees, or any of them, by the said Recited Acts, or either of them:



~ Provided allways, That nothing in this Act Contained, shall Extend or be Construed to Extend to Barr, hinder, or Prevent any Person Whatsoever from having such Benefit and Advantage of the Statutes of Limitation, or any of them, as such Person had, or might have had, at the Time of passing the said first Mentioned Act, in as Ample and Beneficial Manner as if this Act had never been Made:

And Provided allways, That this Act, or any Thing herein contained, shall not Extend or be Construed to Extend to Prevent any Person from Pleading the Statute of Limitation to any Action or Suit, which shall be brought for Recovery of any Simple Contract, Debts, or Debt Whatsoever.

And be it further Enacted by the Authority aforesaid, That out of the Money Received by, or paid to the said Trustees in Pursuance of this and former Acts, the Expences of passing this Act, and all Disbursements Attending the Execution of the same, or which shall be made on Account thereof, shall be paid in such and the like Manner, and to such Person or Persons as in and by the said former Act, the Expences of passing thereof, and all Disbursements Attending the Execution thereof, are Directed to be paid.

And



And Whereas Tedious and Expensive Suits in Law and Equity have Contributed hitherto, to Retard the Execution of the Trust Reposed in the said Trustees, and it is Apprehended many other Suits at Law and in Equity, are likely to Arise and be Instituted betwixt the Persons Interested in the several Estates and Effects Vested in the said Trustees, and the said Trustees and Creditors, or some of them, to the further Delay of the Execution of the Trust, and to the great Prejudice of the Fund for Payment of the Creditors of the said Banks, all which may be Remedied and Avoided to the great Benefit of the Creditors of the said Banks, and the Ease of the Trustees, and of all Parties interested in the Effects vested in them, if Power be Given to the Creditors of the said Banks, and the Executors and Administrators of such of the Creditors as are Deceased, and to the Guardian or Guardians of such Minors as may happen to be Interested in the Debts due, and Decreed against the said several Bankers, or their Estates, or any of them, to Compound for their Demands upon the said Banks and Estates, and that Whatever Composition shall be Made by the Major Part, in Value of the said Bank Creditors, their Executors, Administrators or Guardians Interested, shall be Binding  
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CHAP. and Conclusive upon the rest of them,  
XXII. and upon all Minors therein Interested;

Be it Enacted by the Authority aforesaid, That whatever Composition or Agreement shall be Entered into by the Major Part in Value of the said Bank Creditors, their Executors and Administrators, or by the Guardians of Minors Interested therein, for their Demands on the said Banks and Bankers Estates, by the Approbation of the said Trustees, or any Three or more of them, shall be Binding and Conclusive to and upon all and every of the said Creditors of the said several Banks, their Executors, Administrators, and Assigns, and upon all Minors therein Interested, according, and in Proportion to their respective Interests therein: Provided that such Major Part so Compounding, or Agreeing to Compound, shall be Interested to the Amount of Two Third Parts in Value of the Sum of Money Decreed to the said Bank Creditors: Provided also, That such Composition to be made, shall Amount to the full Value of the Principal Sum or Sums now Remaining Due to the said Bank Creditors on their several Decrees, Clear of all Disbursements and Expences whatsoever.

And Provided, that Publick Notice of such Intended Composition be first Given  
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in the Dublin Gazette, one Month at least before the said Composition shall be proposed to the said Trustees.

CHAP.

XXII.

And be it further Enacted by the Authority aforesaid, That no Composition or Agreement to, or Composition that shall be Made or Entered into by the said Creditors, or by any Executor, Administrator, Guardian or Guardians of any Creditor therein Interested, Pursuant to this Act, or by Virtue of any of the Powers therein, shall be Binding or Conclusive, upon such Bank Creditors, or such Executors, Administrators, Guardian or Guardians, of any Creditor or Creditors, or of any Person or Persons Interested as a Creditor or Creditors, unless the same shall be also agreed to, and signed by such Major Part as aforesaid, and to the Amount in Value as aforesaid.

And be it further Enacted by the Authority aforesaid, That no Part of the Time during which the said Securities and Debts, or any of them have been or shall remain Vested in the said Trustees or any of them, by Virtue of the said recited Acts, shall be Esteemed or Accounted any Part of the Time within which the Person or Persons respectively, who is, are, or shall, be Intitled to the said Securities and Debts, or any of them, after the full Execution



CHAP. execution of the said Acts of Parliament,  
 XXII. ought by any Statute or Limitation of  
 Actions, or other Law, Usage or Custom,  
 to bring his, her, or their Action or Actions,  
 Suit or Suits, for Recovery of any such  
 Debt or Debts, so secured or owing on or  
 by the said several Securities or any of  
 them, but that such Person and Persons  
 respectively, shall have Allowance of all such  
 Time as has hitherto and shall hereafter  
 incur, while the said Securities and Debts  
 or any of them remain Vested in the said  
 Trustees by Virtue of the said Acts, and  
 shall and may at any Time, within two  
 Years after the full Execution of the said  
 Acts, be at Liberty to bring his, her or their  
 Action or Actions, Suit or Suits, for Reco-  
 very of all or any the Sum and Sums of  
 Money so Due or Secured and Vested in  
 the said Trustees by the said Acts, the Sta-  
 tute of Limitation of Actions, or any Law,  
 Statute or Usage to the contrary not-  
 Withstanding.

And be it Enacted by the Authority a-  
 foresaid, That the said Trustees, or any  
 three or more of them, shall, and may and  
 are hereby Impowered to Settle and Adjust  
 all and every the Bills and Bill of Costs  
 of all and every the Agents and Agent of  
 the said Bank Creditors, as betwixt the  
 said Agents and Agent and the said Bank  
 Creditors, in or about the passing or carry-  
 ing into Execution this and the said former  
 Acts,



Acts, or any or either of them, or in or about any Suit or Suits at Law, or in Equity, touching or concerning any of the Trusts of this or the said former Acts, or any or either of them, and also all and every Bills and Bill of Costs, of all and every the Agents and Agent of the said Trustees, as between the said Agents and Agent and the said Trustees, in or about any such Suit or Suits as aforesaid.

Provided that the said Agent or Agents, shall enter or exhibit his or their Claim or Claims in Writing before the said Trustees, or any three or more of them, or their Register, on or before the first Day of October next.

And Provided also, that the said Trustees, or any three or more of them, shall and will Determine such Claim and Claims, on or before the first Day of March, One thousand seven hundred and fifty three.

And be it Enacted by the Authority aforesaid, That if any such Agent or Agents, Creditor or Creditors, of the said Banks, shall think him, her, or themselves Aggrieved by any Judgment or Determination of the said Trustees, or of any three or more of them, Touching or Concerning such Claim or Claims as aforesaid, then and in such Case, it shall and may be Lawful for such Person or Persons



CHAP.  
XXII.

sons so Aggrieved, by Petition to the Lord Chancellor, Lord Keeper, or Commissioners for Hearing Causes in the High Court of Chancery of this Kingdom for the Time being, at any Time within the Space of Twenty one Days after such Judgment or Determination pronounced to Appeal from such Judgment or Determination; which said Lord Chancellor, Lord Keeper or Commissioners, shall Examine, Hear, and Determine the same in a Summary Way, before the first Day of June, One thousand seven hundred and fifty three, and the Judgment or Decree of such Lord Chancellor, Lord Keeper or Commissioners as aforesaid, and also the Judgment or Determination of the said Trustees, or of any three or more of them, if not reversed by the said Lord Chancellor, Lord Keeper or Commissioners, shall be final and conclusive, to all such Agents and Bank Creditors.

And for the better Executing the said Powers to them given;

Be it Enacted by the Authority aforesaid, That the said Trustees, or any Three or more of them, Lord Chancellor, Lord Keeper or Commissioners, shall and may Examine upon Oath, all and every such Witness and Witnesses as shall be produced before them, for or against such Claimant or Claimants, and shall and may likewise Examine upon Oath,



Oath, all and every such Claimant or Claimants concerning the Truth of the Matters Contained in their respective Claims, or any other Matter relative thereunto, which said Oath or Oaths, the said Trustees or any Three or more of them, are hereby Impowered to Administer to the several Witnesses and Claimants respectively.

CHAP.  
XXII.

And be it Enacted by the Authority aforesaid, That the said Trustees, or any Three or more of them, do and shall, out of the Money which the said Bank Creditors are or shall be Intitled to Receive, by Virtue of this and the said former Acts, or any or either of them, pay unto the said Agent and Agents, all such Sum and Sums of Money, as shall by Virtue of all or any the Powers hereby given be Determined, or Adjudged to be Justly Due and Ow- ing to such Agent and Agents, for, or on Account of the said Bills, or Bill of Costs.

Provided allways, That nothing in this Act Contained shall Extend or be Construed to Extend to Give, Revive, or Continue any Power or Authority whatsoever to the said Trustees, to Settle or Adjust any such Bill or Bills of Cost, or any Bill or Bills of Cost, or other Charge



or Account whatsoever, of, or Concerning all or any of the Expences or Disbursements attending the Passing, or the Execution of the said former Acts, or either of them, so as to make such Costs, Expences, or Disbursements, or any Part thereof, a Charge upon, or in any Manner to Affect the said Real and Personal Estates, or any of them, so Vested in the said Trustees by the said former Acts or either of them as aforesaid, or to Levy or Raise any Sum or Sums of Money whatsoever, out of the said Estates Real or Personal, for or on Account of or towards the Payment or Discharge of such Bill or Bills of Costs, Expences, or Disbursements, or any Part thereof, it being the true Intent and Meaning of this Act, That the said Trustees should be hereby only Impowered to Settle and Adjust such Bill and Bills of Costs, as between such Agents or Agent, and the said Bank Creditors, and between such Agents or Agent and the said Trustees, and to pay the same out of the Money which the said Bank Creditors are or shall be Intitled to Receive by Virtue of this and the said former Acts, or either of them, but that in all other Respects whatsoever, the Expences and Disbursements Attending the Passing, and the Execution of the said former Acts, should be, and Remain to be Settled and Adjusted by the said Trustees, by Virtue of and according to such Powers



Powers as are given to them by the said former Acts or either of them, and that so far only as they may have Power to do by Virtue of the said former Acts or either of them, and not otherwise, and in such Manner only as they might have done if this Act had not been made; Any Thing herein before Contained to the Contrary in any wise notwithstanding.

CHAP.  
XXII.

And be it further Enacted by the Authority aforesaid, That this Act and all and every Clause and Clauses therein Contained, and every Part thereof, shall be Deemed and Taken Notice of in all Courts of Law and Equity in this Kingdom, as a Publick Act of Parliament.

Saving allways to the King's most Excellent Majesty, and to all and every other Person and Persons, Bodies Politick and Corporate (Except the Debtor or Debtors of the said several Bankers, or any of them, or any Person or Persons Claiming by, from or under the said Debtors, or any of them, and except such Person or Persons, who is or are in Possession of any Lands, Tenements or Hereditaments, Vested in the said Trustees by the said former Acts, or either of the said Acts) all such Right, Title and Interest, as they or any of them might have had, in Case this Act had never been Made.